

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES,)	No. 05-cr-10091-GAO
)	
v.)	
)	
MYLES CONNOR,)	

DEFENDANT'S OPPOSITION TO GOVERNMENT'S
MOTION TO CONTINUE

Defendant, Myles J. Connor, Jr., through undersigned counsel, hereby objects to the Government's Motion To Continue or in the alternative, the defendant states that if this Honorable Court were to allow the Government's Motion to Continue that he be released from detention forthwith.

As grounds and reasons therefore, defendant sets forth the following:

1. On March 23, 2005, defendant was arrested by officers of the Natick Police Department and charged in complaint number 0587CR000241 with: accessory after the fact; larceny over \$250.00, receiving stolen property over \$250.00, subsequent offense; conspiracy, and habitual offender.
2. At the time of his arrest, the defendant was serving five years of supervised release which would have concluded in June, 2005.

3. U.S. Probation Officer Forman filed a petition to revoke defendant's supervised release and a detainer was filed in state court and at the place of defendant's incarceration.

4. After being indicted in Middlesex Superior Court, defendant's state bail in the amount of \$20,000.00 was reduced to personal recognizance so that defendant could be taken into federal custody.

5. After defendant was taken into federal custody, the \$20,000.00 state bail was re-imposed.

6. Defendant is next scheduled to appear in Middlesex Superior Court on July 21, 2005 for pretrial.

7. Defendant's counsel has filed a motion to dismiss the indictments on the following grounds: 1. insufficient evidence; 2. distorted evidence; and 3. knowingly giving false testimony.

8. Defendant has a meritorious defense to the state charges as well as a defense to the allegations set forth in the probation officer's petition to revoke his supervised release.

9. Defendant is prepared to go forward on the hearing set for July 7, 2005 at 2:30 p.m. and, in fact, is ready for trial in Middlesex Superior Court at this time if his Motion To Dismiss is not allowed.

10. A reading of all discovery furnished by the Commonwealth to defendant clearly shows that Mr. Connor had no knowledge of the robbery either before or after the event and that the co-defendant, John King, has admitted that to the police.

Wherefore, defendant requests that the Government's Motion To Continue be denied or that he be released from detention forthwith.

Respectfully Submitted,
Myles J. Connor, Jr.
By His Attorney,

Martin K. Leppo
BBO #294480
7 Christy's Drive, Suite 1
Brockton, MA 02301
(508) 580-3733

Date: June 29, 2005

CERTIFICATE OF SERVICE

I, Martin K. Leppo, certify that on this 29th day of June, 2005, a true copy of the foregoing Defendant's Opposition To Government's Motion To Continue has been served, via facsimile and first class mail, upon the following:

Jonathan F. Mitchell
Assistant U.S. Attorney
U.S. Attorney's Office
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3960

Martin K. Leppo

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES,)	No. 05-cr-10091-GAO
)	
v.)	
)	
MYLES CONNOR,)	

DEFENDANT'S OPPOSITION TO GOVERNMENT'S
MOTION TO CONTINUE

Defendant, Myles J. Connor, Jr., through undersigned counsel, hereby objects to the Government's Motion To Continue or in the alternative, the defendant states that if this Honorable Court were to allow the Government's Motion to Continue that he be released from detention forthwith.

As grounds and reasons therefore, defendant sets forth the following:

1. On March 23, 2005, defendant was arrested by officers of the Natick Police Department and charged in complaint number 0587CR000241 with: accessory after the fact; larceny over \$250.00, receiving stolen property over \$250.00, subsequent offense; conspiracy, and habitual offender.
2. At the time of his arrest, the defendant was serving five years of supervised release which would have concluded in June, 2005.

3. U.S. Probation Officer Forman filed a petition to revoke defendant's supervised release and a detainer was filed in state court and at the place of defendant's incarceration.

4. After being indicted in Middlesex Superior Court, defendant's state bail in the amount of \$20,000.00 was reduced to personal recognizance so that defendant could be taken into federal custody.

5. After defendant was taken into federal custody, the \$20,000.00 state bail was re-imposed.

6. Defendant is next scheduled to appear in Middlesex Superior Court on July 21, 2005 for pretrial.

7. Defendant's counsel has filed a motion to dismiss the indictments on the following grounds: 1. insufficient evidence; 2. distorted evidence; and 3. knowingly giving false testimony.

8. Defendant has a meritorious defense to the state charges as well as a defense to the allegations set forth in the probation officer's petition to revoke his supervised release.

9. Defendant is prepared to go forward on the hearing set for July 7, 2005 at 2:30 p.m. and, in fact, is ready for trial in Middlesex Superior Court at this time if his Motion To Dismiss is not allowed.

10. A reading of all discovery furnished by the Commonwealth to defendant clearly shows that Mr. Connor had no knowledge of the robbery either before or after the event and that the co-defendant, John King, has admitted that to the police.

Wherefore, defendant requests that the Government's Motion To Continue be denied or that he be released from detention forthwith.

Respectfully Submitted,
Myles J. Connor, Jr.
By His Attorney,

/s/ Mark K. Leppo

Martin K. Leppo
BBO #294480
7 Christy's Drive, Suite 1
Brockton, MA 02301
(508) 580-3733

Date: June 29, 2005

CERTIFICATE OF SERVICE

I, Martin K. Leppo, certify that on this 29th day of June, 2005, a true copy of the foregoing Defendant's Opposition To Government's Motion To Continue has been served, via facsimile and first class mail, upon the following:

Jonathan F. Mitchell
Assistant U.S. Attorney
U.S. Attorney's Office
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3960

/s/ Mark K. Leppo

Martin K. Leppo